

U.S. District Court  
Western District of PA.

Corey Harris PROSE

FILED

C.A. NO. 04-369-E

V. Plaintiff

M. J. BAXTER

Domestic Relations et al

06 MAY 24 10:31

5/24/06

Defendants

CLERK  
U.S. DISTRICT COURT

Brief in Response to defendants  
Motion to dismiss Pursuant to Fed. R. C.P. 12(C)  
Stating in Support thereof the following:

Statement of facts 1.

- 1) Robin Tate, Viveen Tate, filed to Respond to the Court order dated May 12, 2006 therefore deny the defendant Avernments with Plaintiff is without Sufficient Knowledge to form a belief as to the Avernments therefore deny them.
- 2) Plaintiff is without Sufficient Knowledge to the defendant motion to dismiss therefore deny them. As to Booker-feldman doctrine
- 3) On 12/15/04 Plaintiff was Incarcerated from 2/17/06 Exhibit B-2006 1 of 3

AND NOW, This 24<sup>th</sup> day of May, 2006

Comes Plaintiff Corey Harris Acted AS PROSE, AND files this brief in Support of motion to Grant Plaintiff Civil Suit 421983 Pursuant to Fed. R.C.P. 12 (b) 1 and 12 (b), 12 (C)

Brief IN Support of motion  
to Grant Case to trial by Jury OR relief on claims against defendant Denise Nelson mark Causgrove, et al grounds for relief See cf. Tower V. Glover, 467 U.S. 914, 923, (1984)  
Stating IN Support thereof the following:

1) False Statement, and Report to Enforcement office employed by the Court. of common Pleas. D.X.S. Called into question by a Federal Court's.

2.) The District Court Does not lack Jurisdiction under Rooker-Feldman doctrine.

3) Claims upon which Relief can be Granted, Does not prohibits the District Court from exercising Justice that is a functional equivalent of an Criminal Act offense under 18 PA C.S. 4906 relating to False report to Law enforcement authorities that led to Plaintiff 14 months incarceration to Challenge his Conviction.

4) Base on False report was submitted improper or ineffectual and that the information provided to the Court by defendant Nelson relative to Plaintiff Corey Harris employment Status of Company wages of 2004 Business Plan and employment Exhibit # C-1 2006 C-1 2006 C-2 2006, Exhibit # G-2 2006 also medical F-2006 O-2006 1 of 3 after the fact.

5) Support obligation was unlawfully and false. Evidence presented to the Court was False the 421983 well determined that the information Provided was false on Plaintiff yearly income Exhibit # C-2 2006 C-A 2006 G-2 2006.

## Memorandum of Law

Plaintiff has the burden of proof in the establishing of a preponderance of Evidence the facts which support his claim for relief McKenzie v. McCormick 27 F.3d 1415 (9th Cir (1994)

Plaintiff has not failed to meet his burden of proof that he was in custody in violation of the U.S. Constitution or laws of the U.S. as required by 28 U.S.C. 421983 Base on all Exhibits, in support of All facts.

### Statement of facts 2.

Under Section Edmonds Vs. Edmonds, 53 Or App 539, 633 P.2d 4, 5 (1981) Also Willis Vs. Jones 667 A.2d 331 child support payment modified for incarcerated father because he was involuntarily impoverished NO Crime was committed by Plaintiff.

Heck V. Humphrey, 512 U.S. 477, 114 S.Ct 2364, 129 L.Ed.2d 383 (1994) the question whether Plaintiff may challenge the constitutionality of his conviction in a suit for damages or mental, or emotional monetary damages see Herman v. Holiday, 238 F.3d 660 666 5th Cir 2001)

State policy is presumed Constitutional and must be upheld against equal Protection challenge if there is any reasonably conceivable state of facts that could provide a rational base for the classification of 421983 Cal Rights. See, Heller, 509 U.S. at 319-320 State policies.

Rational Relationship See, Dallas v. Stanglin, 490 U.S. 19, 26 (1989) the essential question of rational basis scrutiny is not whether the States policy lacks wisdom, fairness and logic but simply whether it is rational in light of the States objectives. In Heller, 509 U.S. at 319, 320. Sentence triggers the Constitutional right to a jury trial See Taylor v. Hayes 418 U.S. 418, 94 S.Ct. 2697, 47 L.Ed.2d 897 (1974)

Criminal Contempt alleged  
Violative action must be clearly prohibited by the Abuse Act  
Violation of Indirect Contempt,  
Commonwealth v. Baker, 564 PA 192 766  
A 2d 328 (2001) was not to receive 18 months

Statement of facts 3.

The defendants are in violation of their Registration of Name Enforcement Plaintiff Corey Harris Acted PROSE, claims defamation of Registered Name as well as defamation of his Name along with Business Plan 2004 Interruption See, Exhibit D-2006, E-2006 G-2006, H-2006 C-2 2006 C-1 2006.

The Common-law Cause of action for malicious prosecution provides the closest analogy to claims of the type considered here because the action of false report, and false arrest or imprisonment 42 1983 Permits damages for confinement imposed pursuant to legal process of action in criminal proceeding in favor of the accused the U.S District Court hold that in order to recover damages for allegedly unconstitutional conviction or imprisonment or for other harm caused by actions whose unlawfulness would render a conviction or sentence Plaintiff must prove that the conviction or sentence has been reversed or by

(7)

the defendants invalid by a State tribunal authorized to make such determination or called into question by a federal Court issuance of a Violation of Plaintiff 4th Amendment Right to be free from unreasonable Seizure of Person and Violation of Plaintiff 5th and 14th Amendment Right of Due Process. brings a 1983 Civ. Suit for Damage raising an issue that also could be grounds for relief Court challenge on Plaintiff Conviction or Sentence base on false report ref. See *Tower V. Glover*, 467 U.S. 914, 923 (1984). See Case 05-111-E

Claim was therefore properly before the District Court and required determination of the validity of the procedures employed for imposing sanctions including loss of good time and Business Plan 2004 Seeking Business loss of 2.5 million for relief Damage An exhaustion of State remedies is not a prerequisite to an action under 1983 *Pastor V. Board of Regents of Fla.* 457 U.S. 496 501



The question whether Plaintiff may challenge the Constitutionality of his Conviction in a Suit for Damages under 42 U.S.C. 1983 at 478 Provides access to a federal forum for claims of unconstitutional treatment at the hands of the defendants et al officer or County Officials fraudulent characterized. by involving or proceeding from fraud, working with the Dept of Public welfare, the defendant used there position as deceit or trickery perpetrated for profit or to gain some unfair or dishonest advantage pretends to deceitful person Robin Tate, Vivane Tate et al, If such information is not forthcoming within a reasonable period of time rendition should be denied as to the defendant Rucker - Feldman doctrine the court should deny the motion to dismiss Plaintiff Complaint failed on behalf of defendant Attorney.  
See, Exhibit A-2006



Statement of facts 4.

Information Supportive is the post-Doran case of *Zambito v. Blair*, 610 F.2d 1192, 4th Cir (1979) where the court asserted did not read Doran as precluding a court inquiry into the correctness of a statement contained in the demanding paper that a judicial finding of probable cause had been made. See Exhibit # B-2006 1043

Rule 1910.26 Support order Enforcement was violated by the defendants et al as they, Acting under color of State law which is one of the Requirements of a Section 1983 action

Rule 1915.1 Action for Custody was violated by the defendants. Rules govern by the practice and procedure in all actions for custody including those of claim for custody physical custody and shared custody proper venue under Rule 1915.2 Review hearing at 5512.2.

Commencement of proceeding of false reports BA C.S. 6106 see Exhibit # A-2006.

False Opportunity redressing an unjust incarceration at 257-58  
Schreckloth v. Bustamonte, 412 U.S. 218,  
93 S.Ct. 2041, 36 L.Ed.2d 854 (1973)  
defendants conduct is shown to be  
motivated by evil motive or intent,  
or when it involves reckless, or  
Callous indifference to the federally  
protected rights of others See  
Smith v. Wade, 461 U.S. 30. 56 (1983)  
Exhibit # A-2006 ect.

The Rooker - Feldman doctrine does  
not order the authorizing of the  
appropriate Court of District Court  
or Appeals to consider the Plaintiff  
as required by 28 U.S.C. 2244/54  
or Civil Right 1983 under Civil Rules  
8, 23 from false report? a Person  
who knowingly gives false information  
to any law enforcement authorize  
under 18 Pa.C.S. 4106, and under 18  
Pa.C.S.A 903 Criminal Conspiracy a  
person is guilty of Conspiracy  
with another person or persons to  
commit a crime if with the intent  
of promoting or facilitating it's  
commission.

(11)

## Statement of facts 5.

18 BA, C SA 911 Corrupt Org.  
 Prohibited Activities on Defendants  
 under civil matters 23 In Support  
 of 1983 civil rights claim against  
 the defendant Denise Nelson, Mark  
 Causgrove, Robin Tate, Vivian Tate.  
 Base on title 20 Baby Sitting Income  
 Checks in Support of the Domestic  
 Relations 3rd party of the Office  
 of Children and Youth. Exhibit A-2006  
 defendant used their enforcement office  
 of domestic Relations, et al employed  
 by defendant Nelson and Causgrove  
 regarding Plaintiff Corey Harris  
 Children and Youth case. Plaintiff  
 States he was Involuntarily Incarcerated  
 by the defendants order and Sentences  
 to 18 months imprisonment See Exhibit  
 B-2006 1 of 3 base on false report.  
 Support order was false given to the  
 Court of Common Pleas Judge et al.  
 Plaintiff States he was Involuntarily  
 Incarcerated by the defendants order  
 Edmonds VS. Edmonds, 53 OR App 539,  
 633 P. 2d 415 (1981)

Also Wills vs. Jones, 667 A2d 331 Child Support payment modified for incarcerated father. Plaintiff 1983 claim against the defendants Denise Nelson, Mark Causgrove is appealed for the U.S. District Court? Civil Right Claims litigated after the defendant false statement to the Supporting Judge, allowing the support order to stand as true by the defendant's avowal of alleged miscalculation of his child support obligation? Only if provided true statements to the Court by law under Civil Rules 3, 23 may the Court Credit under the bar of Rucker - Feldman docting defendant used their enforcement office employed by defendant Nelson, Causgrove of the Domestic Relation to cause deprivation of Plaintiff Corey Harris.

### Due Process Violation

related to an alleged miscalculation of a \$4,000 Debt submitted by Supervisor did not prevent Nelson the defendant from providing accurate information to the Court regarding Plaintiff employment status.

## Employment Status

defendant did not present documents to the Court that allegedly resulted in an erroneous determination regarding Plaintiff Business Plan of 2004 employment Status. See Exhibit # C-2006 and C-A-2006 C-1 2006 the defendant interrupted Business Plan Development See Exhibit # D-2006 and E-2006.

## Base on Evidence Presented

CAUSgrove failed to properly supervise defendant Nelson after Plaintiff address his concern in his indication, files which would necessarily lead to the conclusion the decision was wrong on Plaintiff should be awarded by the Court under the 8th Amendment of Cruel and unusual Punishment 14th Amend Rights. See Exhibit # F-2006 Two weeks after Sentence. See case 04-3686 3205 filing Relief Claims

Wherefore, It is respectfully requested that this Honorable Court recommend that the claims of Plaintiff, Corey Harris, against defendant Denise Nelson, mark Causgrove be Granted for belief and or Granted for trial by Jury.

This District Court does not lack Subject matter jurisdiction in the instant case under Rooker-Feldman doctrine, so to Plaintiff 8th Amend Violation on his 3/20/05 motion allegations set forth to support a 1983 claim so to the false report from defendant Nelson et al Violated Plaintiff 4th 5th 8th 14th Amendment Right All base on Confinement. 14 months.

### Statement of facts 6.

I Corey Harris was deprived of my Due Process Right of the 5th on 14th Amend. the defendant knew that I was being deprived and did not respond reasonably defendant Acted with deliberate indifference See, Exhibit # F-2006 O#-2006 10f3

See, case Wilson V. Seiter 501 U.S. 294 (1991) by both defendants knew about Exhibit F-2006 know of the Condition and did not respond to it in a reasonable manner, See, Farmer V. Brennan, 511 U.S. 825, 1994 base on Plaintiff Prison Condition States a claim of the 14th Amendment and 5th or 4th of seizure of Personal or Property the defendant denied expanded Job opportunities for Plaintiff Start up Business See Exhibit # G-2006

### Statement of fact 7.

I the Plaintiff is motion the Court to Shepardize this case based on the Violation of Plaintiff Due Process Right of the 5th and 14th Amend. the Plaintiff Raising this question of fact of his Constitutional Right of due process of law. Base on false report. under 18 P.A.C.S.A 4906 See, Exhibit # O-2006 1 of 3, F-2006, etc.



Defendant deprive me of my Personal life as well as property without due process of law in their trust Base on there position of the Domestic Relation, deprive any Person of life liberty or property without due Process of law, nor deny to any Person within its, Jurisdiction the Equal Protection of the law false report of Income See Exhibit # G-2 2006 the Act of declaration by defendant, Nelson, deposition two gave the Judge true and Sworn testimony in response to Oral or written question or statement regarding Plaintiff Income or employment, medical Statement see, Exhibit # I-2006 See, Vocational Rehabilitation J-2006 also Base on Housing See Exhibit K-2006 and Exhibit # L-2006.

the constitutional test by County or state Officials 42 U.S.C.A. 1983 Provides every Person who under Color of any Statute or Ordinance of due process.

Verkes Vs. Verkes, 782 A.2d 1068 PA  
Supper 2001 is to keep the Support Active  
while the obligor Remains in Prison  
base on the False report. this  
process is in violation of Plaintiff  
5th Amendment Right of Double  
Jeopardy See Collins, 497 U.S. at 43  
Base on Plaintiff Debt As of 5/24/06.  
A liberty interest of Constitutional  
dimension may be derived from  
one of two sources, the interest  
may be of such severity or  
fundamental importance that it  
triggers protection from the  
Constitution it Self, See Vitek v.  
Jones, 445 U.S. 480 (1980) or by  
the State if the deprivation is  
less severe but nevertheless  
amount to an atypical and  
significant hardship from a  
malicious Actions.

### Response:

No response to defendant Robin Tate,  
Valian Tate is needed do to defendant  
Failed to respond to the Judge order  
to respond to Complaint.

Relife Claim of 2.5 million:

Damage relife of 2.5 million of  
Business Plan year 2004 Interruption  
See, Exhibit # D-2006, N-2006, 1 of 2 C-2006.

Motion for Judgement

on the Pleadings pursuant to Fed.R.C.P.  
12(c) accordance with the applicable  
Rules of the Court.

CERTIFICATE OF SERVICE

I hereby Certify that a copy of this  
document was Served upon all other  
Parties appearing of record by First-  
Class United States mail Sent on  
May, 24 2006

Respectfully Submitted,  
COREY HARRIS PROSE  
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